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JENNINGS V. GRAVELY AND ANOTHER.—Decided at Richmond, December 19, 1895.—*Keith, P* :

1. **EJECTMENT**—*Equitable title of defendant*—*Sec. 2741 of Code*. Although a defendant in ejectment may be clothed with a perfect equitable title, it is no defence as against a plaintiff holding the legal title, with immediate right of possession, unless the defendant can bring himself within the terms of the statute (sec. 2741 Code) requiring him to vouch a contract in writing, stating the purchase and the terms thereof, signed by the vendor or his agent. The statute was dictated, not by a general but a restrictive policy, and its scope will not be enlarged.

NEW'S EXECUTRIX V. BASS, BROWN & Co.—Decided at Richmond, December 19, 1895. *Cardwell, J* :

1. **DECEDENT'S ESTATE**—*Payment of debts and legacies—primary fund—specific lien*. The personal estate of a decedent is the natural and primary fund for the payment of his debts and legacies, and, as a general rule, must be first exhausted before the real estate can be made liable ; and the personal estate will not be exonerated in charging the real estate, even when there is a specific lien for a debt on the real estate, unless there be express words or a plain intent in the will to make such exoneration.

2. **CHANCERY PRACTICE**—*Decree to sell land—account of debts of decedent—primary fund—specific lien*. It is error to decree the sale of the real estate of a decedent for the payment of his debts until the claims of creditors, and their relative priorities, have been first adjudicated. If there be personal estate, it should, as a general rule, be first applied to the payment of the debts. And if the parties holding specific liens on the real estate are before the court, they should not be allowed, as a rule, to enforce their liens until the personal estate has been exhausted.

3. **CHANCERY PRACTICE**—*Creditor's bill to settle estate of decedent—parties*. In a suit by creditors to subject the real estate of a decedent to the payment of his debts, where it appears that the decedent devised his real estate to his wife for life, with remainder in fee in equal parts to his two children, but if either died without issue, to the survivor, and if both die without issue, remainder over to his sister, with power to the wife to sell and reinvest proceeds, if deemed advisable, the sister is not a necessary party.

4. **CHANCERY PRACTICE**—*Creditor's bill—parties—case at bar*. If on a bill filed by creditors to subject the estate, real and personal, of a decedent to the payment of his debts, a copy of decedent's will is filed, by which he devised and bequeathed certain property to his wife for life, and nominated her as executrix, the wife is made a party defendant as executrix, and "as widow," this is sufficient to bind her personally by any proper decree made in the cause.